IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

W.A.NO : 206 of 2005, W.A. No.251 of 2005 & W.P.NO.2088 OF 2004

WRIT APPEAL NO : 206 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/11/2004 in WP NO : 2088 OF 2004 on the file of the High Court.)

Between:

M/s.President Constructions, rep.by its Managing Director, Md.Zafferullah Siddique, S/o.Md.Sujathullah, R/o.Mahaboobnagar District.

..... APPELLANT

AND

1 The District Collector Mahaboobnagar District.
2 The Liquidator/sub-Divisional Cooperative officer, Mahaboobnagar

District.

....RESPONDENTS

Counsel for the Appellant: MR.C.V.MOHAN REDDY

Counsel for the Respondents: GP FOR AGRICULTURE

W.A .NO : 251 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/11/2004 in WP MP No.2734 of 2004 in WP NO :2088 OF 2004 on the file of the High Court.)

Between:

M/s.President Constructions, rep.by its Managing Director, Md.Zafferullah Siddique, S/o.Md.Sujathullah, R/o.Mahaboobnagar District.

..... APPELLANT

AND

1 The District Collector Mahaboobnagar District.
2 The Liquidator/sub-Divisional Cooperative officer, Mahaboobnagar District.

....RESPONDENTS

Counsel for the Appellant: MR.C.V.MOHAN REDDY

Counsel for the Respondents: GP FOR AGRICULTURE

WRIT PETITION NO : 2088 of 2004

Between:

M/s. President Constructions, rep by Managing Director, Md. Zaferullah Siddique, Mahaboobnagar, Mahaboobnagar District

..... PETITIONER

AND

1 The District Collector, Mahaboobnagar, Mahaboobnagar District
2 The Liquidator/Sub-Divisional Cooperative Officer, Mahaboobnagar, Mahaboobnagar District

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order or Direction more particularly one in the nature of Writ of mandamus declaring the action of the respondents in passing the impugned orders in Proceedings Rc. No. A4/26/2004-4,
dt 21-1-2004 is highly illegal, arbitrary and violative of Article 14, 16, 19 (1)(g), 21 and 300A of the Constitution of India and also violative of Principles of natural justice

Counsel for the Petitioner: MR.B.PURSHOTHAM REDDY

Counsel for the Respondents : GP FOR COOPERATION FOR R1

The Court at the stage of admission made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The learned single Judge by the impugned order dismissed W.P.M.P.No.2734 of 2004 and allowed W.V.M.P No.2834 of 2004 merely for the default of the learned counsel for the appellant thereby vacating the interim order, which had been granted earlier.

With the consent of the parties, we have taken up the writ petition itself for hearing. The petitioner-appellant has filed the writ petition questioning the legality and validity of the order dated 21.1.2004 by which order the 1st respondent proceeded to cancel the registration done by the 2nd respondent of the property of the Cooperative Central Stores, Mahaboobnagar in favour of the petitioner-appellant-auction purchaser. After the registration had been completed, the 1st respondent has passed the order under challenge but before passing the said order, no notice was ever issued to the petitioner-appellant who has by the date acquired title on the basis of registration. The order being contrary to the principles of natural justice is void and is liable to be set aside. But setting aside the said order will not prevent the 1st respondent to pass appropriate orders strictly in accordance with law but after issuing show cause notice to the petitioner-appellant and giving him an opportunity of being heard. Nothing stated by us while disposing of the writ petition be taken as expressing any view on the legality, validity or otherwise on the auction conducted

by the 2nd respondent. In view of above, the writ appeals are allowed. The writ petition is also allowed. The order impugned in the writ petition dated 21.1.2004 is set aside with liberty as aforementioned.

(DEVINDER GUPTA, CJ)

Dated 10..02..2005

(B.SESHASAYANA REDDY,J)

To

1 The District Collector Mahaboobnagar District.
2 The Liquidator/sub-Divisional Cooperative officer, Mahaboobnagar

District.

3 2 CCs to the Government Pleader for Cooperation, High Court of A.P.

Hyderabad.

4. 2 CD copies.